

FINDINGS AND DECISION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

HALLER LAKE IMPROVEMENT CLUB, INC.

FILE NO. W-80-007

from an environmental determination
of the Building Department

The appeal is DENIED and the determination of the
Building Department is AFFIRMED.

Introduction

The appellant, Haller Lake Improvement Club, Inc., appeals the issuance of a declaration of non-significance (DNS) by the Building Department for a church building at 11505-5th Avenue N.E. proposed by the Vedanta Society of Western Washington.

The appellant exercised its right to appeal pursuant to Section 20 of the SEPA Ordinance (105735, as amended).

Parties to the proceeding were: the Haller Lake Improvement Club, Inc., represented by Beverly Stanton, president; the Vedanta Society represented by James D. Braman; and the Building Department represented by Darcy C. Goodman, Assistant City Attorney.

This matter was heard before the Hearing Examiner on May 29, 1980.

After due consideration of the evidence elicited during the public hearing, the following findings of fact and conclusions shall constitute the decision of the Hearing Examiner on this appeal.

Findings of Fact

1. The Vedanta Society of Western Washington proposes to construct a church building with rectory for eight persons at 11505-5th Avenue N.E.
2. The Vedanta Society is an ecumenical church with present membership of 97. The church regularly holds services at 11 a.m. on Sunday and study classes at 7:30 p.m. on Tuesdays. Sunday attendance averages around 35-47 persons. Average Tuesday evening attendance is 21.
3. Five persons would permanently reside in the rectory with room for an additional three.
4. The building would be one story with partial second story and provide parking for 12 vehicles on-site.
5. Approximately 64% of the site would be overcovered by impervious surfaces.
6. The Vedanta Society has arranged to use a Group Health Cooperative facility parking lot at 11301-5th Avenue N.E. between 10 a.m. and 12:30 p.m. on Sundays. The lot is estimated to be over 500 ft. away.
7. The subject site is zoned Single Family Residence Medium Density (RS 7200). Churches are permitted outright in the zone. Sections 7.11 and 6.11.
8. The subject site is located at the corner of the intersection of N.E. 115th and 5th N.E.

9. Single family homes occupy the land to the north, west and east. Also to the west is a Water Department pump station. Across N.E. 115th to the south is a daycare center and beyond mixed residential and commercial development.
10. Seven traffic accidents have been reported near the intersection in the past 5 years. The intersection is not controlled.
11. Five churches are located within an $\frac{1}{2}$ mile radius. Two are within two blocks.
12. The subject site is approximately $\frac{1}{2}$ block from Thornton Creek. Drainage and flooding problems occur at, or are caused by, development prior to the Drainage Ordinance.
13. The subject property will be connected directly to the 15 in. storm sewer on 5th Avenue N.E.
14. The development will be required by the Building Department to file a drainage control plan with its building permit application.
15. The streets within 200 ft. of the intersection in each direction have the capacity to allow 39 cars to park.
16. N.E. 115th Street has no curbs or sidewalks at this location. A ditch forces pedestrians into the street when cars are parked along the street.
17. The proposed use is predicted to generate, at worse case, 50 trips (25 each way) per Sunday service.
18. The volume of vehicles past the subject site on 5th Avenue N.E. on Sunday at the time of services is approximately 49-55% of the Friday volume. Traffic generated by the Sunday service can be expected to increase volume from 8-14%.
19. The effect on air quality of an additional 50 vehicle trips on Sundays and additional trips on Tuesdays would not be measurable.
20. A DNS for the proposed project was issued April 16, 1980. The document identifies adverse impacts associated with soil disruptions, dust, noise, additional vehicular movement and demand for additional parking but states that none are "expected to be significant due to their temporary nature and/or limited degree."
21. The increase in ambient noise level from an additional 50 vehicle trips on Sundays and some on Tuesdays would be imperceptible.
22. Additional traffic generated would not be a hazard to passing school children since service and class hours at the church would not coincide with school hours.
23. Glare of headlights entering and leaving the subject property may strike the two houses on the two adjoining lots. Vegetation is planned for those borders but may not be of sufficient height to block or filter those lights.

Conclusions

1. An environmental impact statement (EIS) is required by the State Environmental Policy Act (SEPA) only when there is a major action which would have a significant adverse impact on the environment. The Court, in establishing a guideline as to what is to be deemed significant, has held that an EIS is to be prepared "whenever more than a moderate effect on the quality of the environment is a reasonable probability." Norway Hill Preservation and Protection Association v. King County Council, 87 Wn.2d 267 (1976).

2. The determination by the responsible official is to be accorded substantial weight. Section 20, Ordinance 105735, as amended.

3. The information available to the analyst for the responsible official from the checklist, attachments and site inspections was both substantially correct and was sufficient to make the threshold determination.

4. The evidence showed no error in the analysis of the project's impacts on the environment in the areas of air quality, noise, light and glare, water (drainage) or traffic and parking. The operation of the Drainage Ordinance, 108080, will assure that the runoff will be controlled. The increase in traffic volume is minor and will occur at non-peak hours when the street system has the greatest capacity to handle additional traffic. The surrounding streets have the capacity to handle over-flow parking even without the joint parking arrangement.

5. Appellant has not sustained its burden to overcome the substantial weight accorded the DNS.

Decision

The appeal is DENIED and the determination of the Building Department is AFFIRMED.

Entered this 13th day of June, 1980.

M. Margaret Klockars
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Deputy Hearing Examiner

Notice of Right to Appeal

The decision of the Hearing Examiner in this case is the final administrative determination by the City. Any appeal to the Superior Court should be filed within 20 days of the date of this decision. Vance v. Seattle, 18 Wn.App. 418 (1977).